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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,980	08/06/2001	Diana Xiaobing Ma	005825 USA/ETCH/DRIE	1441

32588 7590 06/16/2003  
APPLIED MATERIALS, INC.  
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EXAMINER

ROCCHEGIANI, RENZO

ART UNIT PAPER NUMBER

2825

DATE MAILED: 06/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/922,980

Applicant(s)

MA ET AL.

Examiner

Renzo N. Rocchegiani

Art Unit

2825

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-11, 14-17, 19, 20 and 22-28.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

Continuation of 2. NOTE: the applicant has amended the claims to add the limitation that isolation is maintained during the transfer step. Because such limitation was not present in the claims it modifies the scope of the claims and would require further search and consideration.

Continuation of 5. does NOT place the application in condition for allowance because: it is not persuasive. Applicants essentially argues three points: first that the claim limitations of claims 23 and 25 are proper, second that the examiner did not address the limitation of having multiple transfer chambers that are isolated from each other, third that the prior art does not render obvious maintaining the transfer chamber at  $10^{-6}$  torr and fourth that the prior art is being further distinguished by the presented amendment. As to the first argument the examiner does not agree with applicant and refers back to the final rejection. There the examiner stated that these two claims recite apparatus limitations and thus are not limiting to the process. While applicant is correct that apparatus limitations are found in process claims, it is only the process step that is limiting and not the apparatus in itself. Second, the Maydan et al. reference does teach isolated transfer chambers, looking at figure 20, the examiner sees items 80A and 80, these appear to be three transfer chambers, furthermore, while not labeled in Figure 20, there does appear to be isolation valves for each chamber as shown by item 38 in Figure 1. Thus, the examiner is not persuaded by this second argument. Third, Maydan et al. state that the chambers are maintained at vacuum conditions thus the low pressure therein is anticipated. Applicant's arguments as to the general knowledge of the art that the pressure of these chambers is rarely maintained at such low pressures as claimed, is welcome by the examiner, yet it is not persuasive for it is not supported by reliable evidence and it is instead a mere statement made by applicant's representative. Fourth, and finally, the amendment proposed raise new issues that require further search and consideration and thus while the applicant may assert that they differentiate the present invention from the prior art the examiner has not examined this limitations and thus cannot present an opinion as to their patentability at this time.

*C. Luerhart*  
CAROL L. LUEHART  
PRIMARY EXAMINER